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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: E. Kim
STEED ET AL.) Art Unit: 3201
Serial No.: 08/416,065)
Filed: April 4, 1995)
For: METHOD OF PACKAGING)
RESILIENTLY COMPRESSIBLE)
ARTICLES)

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GROUP 3200

DECLARATION OF RICKY F. GLADNEY UNDER RULE 1.132

I, Ricky F. Gladney, hereby declare and say as follows:

1. I am a named co-inventor in the above-identified application for United States Letters Patent. I make this Declaration in support of an Amendment to said application which is being filed in response to an Office Action mailed August 14, 1995.

2. I am currently employed as Product Development and Technical Services Manager for Simmons Company, the assignee of the present invention and of the subject patent application. I have been employed in this position since 1991. Simmons Company specializes in the manufacture of bedding products including mattresses and the like and I have been employed by Simmons in various capacities since 1973.

3. I have reviewed U.S. Patent No. 3,611,524 issued to Broyles (hereinafter "Broyles") which is the principal reference relied upon by the Examiner in the U.S. Patent and Trademark Office rejection of the claims in the subject application.

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4. Broyles primarily teaches a method of inserting an inner spring assembly consisting of non-pocketed, open coil springs within a sheet of plastic and collapsing the assembly by application of a vacuum so that the inner spring assembly in a collapsed state within the plastic sheet can be inserted directly into a mattress cover. Broyles does not teach packaging the inner spring assembly for shipment. In this regard, the inner spring assembly of Broyles needs to be compressed only a small amount to for insertion in the associated mattress cover as opposed to the degree of spring compression required to enable the assembly to be efficiently and cost effectively packaged and shipped.

5. The inner spring assembly illustrated in Broyles, and designated therein by the reference numeral 9, includes rigid rectangular frames 10, 11 and open coil springs 13. This assembly 9 differs significantly from an assembly of coil springs wherein each spring is contained within an individual pocket of fabric.

6. Under my direction and control, tests were conducted in early November, 1995 at one of Simmons' research facilities in order to demonstrate the substantial differences of the methods of the present invention utilizing pocketed coil spring assemblies as compared with the methods disclosed by Broyles utilizing rigid frame-open coil spring constructions.

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7. In one test which was conducted under my control and direction, an inner spring assembly of the type illustrated in Broyles was cut into three sections, the sections were stacked on top of one another and enclosed in a plastic tube. The inner springs were of a type known as Bonnell construction and comprised 312 springs formed of 13 gauge wire. The stacked spring sections had an initial height of 15-1/2 inches. The tube was then sealed and vacuum evacuated. The lowest height obtainable of the stacked spring sections as the tube was evacuated was 9 inches, yielding a height reduction of 41.9%.

8. In a comparative test which was conducted under my control and direction, pocketed coil spring assemblies were constructed as described in the present patent application wherein 580 springs having a wire gauge of 13-3/4 and were divided into three assemblies. These three assemblies were stacked on top of one another so that the stack had an initial height of 20 inches. The stack then was placed in a plastic tube, as in the test noted above in paragraph 7, and the tube was vacuum evacuated. The final height of the spring assemblies after evacuation measured 5-1/2 inches, yielding a 72.5% reduction in height.

8. In my opinion, the significantly greater height reduction of 72.5% achieved with the method of the present invention utilizing pocketed coil spring assemblies as compared with only a 41.9% reduction in height achieved employing the method of Broyles was unexpected and would not have been obvious.

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9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jan 12, 1996
Date

Ricky F. Gladney
Ricky F. Gladney